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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,691	01/13/2000	Nicola John Policicchio	6553D	7347

27752 7590 01/27/2003

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EXAMINER

SPISICH, MARK

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 01/27/2003

22

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n No.

09/482,691

licant(s)

POLICICCHIO ET AL.

Examiner

Mark Spisich

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 21-23,25,26 and 61-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27 and 32-34 is/are allowed.
- 6) ☒ Claim(s) 21-23,25,26 and 61-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

In light of applicant's request for reconsideration and the noted decision by the Board of Patent Appeals and Interferences of October 31, 2002, the finality of the previous rejection is hereby withdrawn and a new action on the merits follows.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21-23,25,26 and 61-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 4,300,920 (hereinafter '920) in view of Nichols (USP 5,609,255). Starting with the broader of the two independent claims (claim 61), '920 discloses a cleaning pad having an upper and a lower surface and further wherein the pad includes a material which is super-absorbent (see page 4 of the translation, lines 3-8 and page 3, lines 5-16). '920 discloses the invention substantially as claimed with the exception of the pad having "multiple widths in the z-direction". The patent to Nichols discloses a mop pad (28) which is, as is '920, readily attachable to a support head (1) and which has a lower surface defining the recited multiple widths in the z-direction. It would have been obvious to one of ordinary skill in the art to have modified the shape/configuration of the mop pad of '920 as such so as to present a smaller surface area to the surface being cleaned. '920 discloses a scrubbing (the mesh material 9) as well as an absorbent layer (the material covered by the mesh) (claim 62). The particular

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percentage of the component of the absorbent material which makes this layer super-absorbent (claim 63) would be obvious to one having ordinary skill in the art so as to modify the absorbency, etc. Routine optimization of a prior art device does not constitute an inventive step. Any porous scrubbing material such as the net (9) of '920 would allow fluid communication between it and the absorbent layer (claim 64). '920 further discloses an attachment layer (5,6) for attaching the pad to a support head (1) and wherein the absorbent layer is disposed between the attachment layer and the scrubbing layer (claim 65). Once there is a teaching in the art of an absorbent mop pad being a super-absorbent, one of ordinary skill would recognize that various known super-absorbents could readily be used instead based on availability, cost, desired properties (claim 66). The extreme sides of the mop pad shape/configuration of Nichols define the at least two discreet surfaces as they are broadly defined in claim 67. With regard to claim 21, '920 discloses a support head (1) attached to a handle (at 4) as well as the pad discussed above. There is no reason why the attachment layer (5,6) of '920 could not be made of a material which is impervious (which is the main additional recitation that hasn't been addressed above). In fact, it would be clearly desirable for this layer to be so to contain the liquid against the floor. Even for argument sake, it would be obvious to one of ordinary skill to modify the attachment means of '920 as taught by Nichols (which would be essentially impervious) in that such a "Velcro" (which has the hooks of claim 22) attachment would be much easier for the user. The subject matter of the remaining claims was addressed above and need not be repeated.

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***Allowable Subject Matter***

3. Claims 27 and 32-34 are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (703) 308-1271. The examiner can normally be reached on M-Th (6-3:30), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J Warden can be reached on (703) 308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Mark Spisich  
Primary Examiner  
Art Unit 1744

MS  
January 23, 2003